



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

MINUTES OF THE COMMITTEE
ON
JUDICIARY

Tuesday, December 6, 2016

8:15 a.m.

Room 521 House Office Building

The House Standing Committee on Judiciary was called to order by Chairman Kesto.

Members present: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Runestad, Irwin, Chang, Guerra.

Members absent/excused: Rep. Robinson.

Representative Lucido moved to adopt the minutes of November 29, 2016. There being no objection, the motion prevailed by unanimous consent.

Representative Irwin moved to excuse absent members. There being no objection, the motion prevailed by unanimous consent.

Chairman Kesto laid the following bill before the committee:

HB 5638 (Lucido)	Probate; wills and estates; exempt property; allow decedent to exclude adult child by written instrument.
------------------	---

Representative Lucido testified in support of the bill. Questions and discussion followed.

Representative Lucido moved to adopt the substitute (H-2) to HB 5638. The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Irwin, Chang, Guerra.

Nays: None.

Pass: None.

Representative Lucido offered the following amendment to HB 5638 (H-2).

1. Amend page 2, line 20, after "**EXCLUDE**" by striking out "**1 OR MORE CHILDREN**" and inserting "**A CHILD WHO IS NOT A MINOR OR DEPENDENT**".

Representative Lucido moved to adopt the amendment to the bill. The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Irwin, Chang, Guerra.

Nays: None.

Pass: None.

Representative Lucido moved to report out HB 5638 with recommendation as amended, as substitute (H-3). The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Irwin, Chang, Guerra.

Nays: None.

Pass: None.

Chairman Kesto laid the following bills before the committee:

- | | | |
|--------|---------------|--|
| SB 982 | (Schuitmaker) | Law; uniform or model acts; uniform fraudulent transfer act; update to uniform voidable transactions act. |
| SB 983 | (Schuitmaker) | Businesses; business corporations; business corporation act; revise reference to uniform fraudulent transfer act to reflect renaming of act. |
| SB 984 | (Schuitmaker) | Businesses; nonprofit corporations; nonprofit corporation act; revise reference to uniform fraudulent transfer act to reflect renaming of act. |
| SB 985 | (Schuitmaker) | Family law; child support; support and parenting time enforcement act; revise reference to uniform fraudulent transfer act to reflect renaming of act. |

Senator Schuitmaker testified in support of the bill package. Questions and discussion followed.

Chairman Kesto laid the following bill before the committee:

- | | | |
|--------|---------|---|
| SB 924 | (Jones) | Criminal procedure; sentencing guidelines; sentencing guidelines for certain adoption violations; update. |
|--------|---------|---|

Senator Jones testified in support of the bill. Questions and discussion followed.

Chairman Kesto laid the following bill before the committee:

- | | | |
|---------|---------|--|
| HB 4919 | (Kesto) | Housing; condominium; legal actions on behalf of and against co-owners of a condominium association; authorize board of directors to initiate or defend. |
|---------|---------|--|

Representative Kesto explained the proposed substitute to the bill.

Steve Guerra and Kevin Hirzel, both representing the Community Association Institute, testified in support of the bill. Questions and discussion followed.

Mark Petrie, representing The Meisner Law Group, P.C., testified in support of the bill and submitted written testimony. Questions and discussion followed.

Representative Lucido moved to adopt the substitute (H-2) to HB 4919. The motion prevailed, the vote being 10-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Runestad, Irwin, Chang, Guerra.

Nays: None.

Pass: None.

Representative Lucido moved to report out HB 4919 with recommendation as substitute (H-2). The motion prevailed, the vote being 8-0-2.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Runestad, Guerra.

Nays: None.

Pass: Reps. Irwin, Chang.

Chairman Kesto returned to SB 982, SB 983, SB 984, and SB 985.

Senator Schuitmaker returned to testify with Kenneth Kettering, representing the Uniform Law Commission. Questions and discussion followed.

Representative Lucido moved to adopt the substitute (H-1) to SB 982. The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Irwin, Chang, Guerra.

Nays: None.

Pass: None.

Representative Irwin moved to report out SB 982 with recommendation as substitute (H-1). The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Irwin, Chang, Guerra.

Nays: None.

Pass: None.

Representative Johnson moved to adopt the substitute (H-1) to SB 983. The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Irwin, Chang, Guerra.

Nays: None.

Pass: None.

Representative Johnson moved to report out SB 983 with recommendation as substitute (H-1). The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Irwin, Chang, Guerra.

Nays: None.

Pass: None.

Representative Irwin moved to adopt the substitute (H-1) to SB 984. The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Irwin, Chang, Guerra.

Nays: None.

Pass: None.

Representative Irwin moved to report out SB 984 with recommendation as substitute (H-1). The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Irwin, Chang, Guerra.

Nays: None.

Pass: None.

Representative Somerville moved to adopt the substitute (H-1) to SB 985. The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Irwin, Chang, Guerra.

Nays: None.

Pass: None.

Representative Somerville moved to report out SB 985 with recommendation as substitute (H-1). The motion prevailed, the vote being 9-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Irwin, Chang, Guerra.

Nays: None.

Pass: None.

Chairman Kesto laid the following bills before the committee:

SB 1175 (Sen. Jones) Controlled substances; marihuana; penalty for manufacturing, creating, delivering, or possessing with intent to manufacture, create, or deliver certain synthetic substances; revise.

SB 1176 (Sen. Shirkey) Criminal procedure; sentencing guidelines; sentencing guidelines for the delivery or manufacture of marihuana; modify to include certain synthetic equivalents.

Senator Jones testified in support of the bills. Questions and discussion followed.

William Vaellencourt, representing the Prosecuting Attorneys Association of Michigan, testified in support of the bills. Questions and discussion followed.

Representative Lucido moved to report out SB 1175 with recommendation. The motion prevailed, the vote being 8-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Irwin, Chang, Guerra.

Nays: Rep. Cole.

Pass: None.

Representative Irwin moved to report out SB 1176 with recommendation. The motion prevailed, the vote being 8-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Irwin, Chang, Guerra.

Nays: Rep. Cole.

Pass: None.

Chairman Kesto laid the following bills before the committee:

- | | |
|--------------------|--|
| HB 5626 (Hooker) | Children; adoption; advertise for, solicit, or recruit prospective adoptive or biological parents or guardians to participate in certain transfers of a child; prohibit under certain circumstances. |
| HB 5628 (Vaupel) | Crimes; penalties; unregulated custody transfer; prohibit, and provide penalties for. |
| HB 5629 (McCready) | Probate; powers of attorney; use of parental power of attorney to permanently transfer custody of a child; prohibit. |

Representative Hooker and Cindy Denby, from Representative Vaupel's office, testified in support of the bill package. Questions and discussion followed.

Cami Pendell, representing the Michigan Judges Association, submitted a card in support of HB 5626, HB 5628, HB 5629, but did not wish to speak.

Representative Somerville moved to report out HB 5626 with recommendation. The motion prevailed, the vote being 9-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad, Irwin, Chang, Guerra.

Nays: None.

Pass: Rep. Howrylak.

Representative Somerville moved to report out HB 5628 with recommendation. The motion prevailed, the vote being 9-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad, Irwin, Chang, Guerra.

Nays: Rep. Howrylak.

Pass: None.

Representative Johnson moved to report out HB 5629 with recommendation. The motion prevailed, the vote being 9-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad, Irwin, Chang, Guerra.

Nays: Rep. Howrylak.

Pass: None.

The Chair returned to SB 924.

Representative Somerville moved to report out SB 924 with recommendation. The motion

prevailed, the vote being 9-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad, Irwin, Chang, Guerra.

Nays: Rep. Howrylak.

Pass: None.

Chairman Kesto laid the following bill before the committee:

HB 4520 (Iden) Housing; landlord and tenants; allocation of responsibilities; provide for with respect to prevention and management of bed bug infestation.

Representative Iden submitted written testimony with a summary of changes made in the substitute (H-1) to the bill.

Representative Lucido moved to adopt the substitute (H-1) to HB 4520. The motion prevailed, the vote being 10-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Runestad, Irwin, Chang, Guerra.

Nays: None.

Pass: None.

Representative Chang offered the following amendment to HB 4520 (H-1).

1. Amend page 6, following line 20, by inserting:
"(3) NOTWITHSTANDING SUBSECTION (2), IF NEITHER THE LANDLORD NOR THE TENANT CAN BE PROVEN LIABLE FOR AN INFESTATION, THE TENANT IS RESPONSIBLE FOR 40% OF THE SUM OF THE FOLLOWING:
(A) DAMAGES INCURRED BY THE LANDLORD OR TENANT.
(B) CONTROL AND TREATMENT COSTS FOR THE TENANT'S RENTAL UNIT." and renumbering the remaining subsection.

Representative Chang moved to adopt the amendment to the bill. The motion did not prevail, the vote being 3-6-1.

UNFAVORABLE ROLL CALL

Yeas: Reps. Irwin, Chang, Guerra.

Nays: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad.

Pass: Rep. Howrylak.

Representative Chang offered the following amendment to HB 4520 (H-1).

1. Amend page 6, line 15, after "**FOR**" by inserting "**THE TENANT'S**".

Representative Chang moved to adopt the amendment to the bill. The motion did not prevail, the vote being 3-6-1.

UNFAVORABLE ROLL CALL

Yeas: Reps. Irwin, Chang, Guerra.

Nays: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad.

Pass: Rep. Howrylak.

Representative Irwin offered the following amendments to HB 4520 (H-1).

1. Amend page 5, following line 3, by inserting:
"(2) BY THE TIME A TENANT FIRST OCCUPIES A RENTAL UNIT, THE LANDLORD SHALL PROVIDE THE TENANT WITH A SUFFICIENT NUMBER OF BED LEG INTERCEPTORS FOR THE BEDS OF THE OCCUPANTS OF THE RENTAL UNIT." and renumbering the remaining subsections.
2. Amend page 5, line 14, after "**SUBSECTION**" by striking out "**(3)**" and inserting "**(4)**".

Representative Irwin moved to adopt the amendments to the bill. The motion did not prevail, the vote being 4-5-1.

UNFAVORABLE ROLL CALL

Yeas: Reps. Somerville, Irwin, Chang, Guerra.

Nays: Reps. Kesto, Lucido, Johnson, Cole, Runestad.

Pass: Rep. Howrylak.

Jim Schaafsma, representing the Michigan Poverty Law Program, testified in opposition to the bill and submitted written testimony.

Jennifer Bowman, representing Michigan State Housing Development Authority, testified in with no position on the bill.

The following people submitted a card in support of the bill, but did not wish to speak:

Mia McNeil, representing the Property Management Association of Michigan.

Tabitha Zimny, representing the Apartment Association of Michigan.

The following people submitted a card in opposition to the bill, but did not wish to speak:

Lisa Postula-Stein, representing the Center for Civil Justice, submitted written testimony.

Judge Ray Voet, representing the Michigan District Judges Association.

Judy Allen, representing the Michigan Townships Association.

Jennifer Rigterink, representing the Michigan Municipal League.

There being no further business before the committee, Chairman Kesto adjourned the meeting, the time being 9:09 a.m.

Representative Klint Kesto, Chair_____

Melissa Weipert, Committee Clerk
House Judiciary Committee
mweipert@house.mi.gov
(517) 373-5176